



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

May 13, 2005

Donald E. Brown, Treasurer  
Fairfax County Republican Committee (Federal)  
4246 Chain Bridge Rd  
Fairfax, VA 22030

**Response Due Date:**  
**June 13, 2005**

Identification Number: C00277335

Reference: Amended 30-Day Post-General Report (10/14/04-11/22/04), received  
4/22/05

Dear Mr. Brown:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-In a miscellaneous electronic submission filed on April 22, 2005, you state: "A separate checking account was opened for Levin funds. When a vendor was paid, a check was written from the Levin account for its portion and a separate check was written from the federal account for its portion. To reflect these disbursements, the Levin portion is being reported on Line 5 as Other Disbursements on the Levin report. The federal portion is being reported as an operating expenditure with detailed descriptions in the purpose field." Therefore, Schedule H6 discloses memo entries for apparent allocable Federal Election Activity ("FEA") in which it appears some portions of the federal share totaling \$19,831.95 are disclosed as disbursements on Schedule B and some portions of the Levin share totaling \$50,996.45 are disclosed as disbursements on Schedule L-B.

Please be advised, all disbursements, contributions, and expenditures made wholly or in part in connection with Federal elections **must be made entirely from the Federal account**, and not from any non-Federal account. 11 CFR §§102.5(a)(1)(i), 300.30(b)(1) and (3)(iii) If your committee chooses to have one or more separate allocation accounts, which must be treated as Federal accounts for reporting purposes, all disbursements, contributions, and expenditures made wholly or in part in connection with Federal elections must be made entirely from this separate allocation

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account, and not from any non-Federal account. 11 CFR §§102.5(a)(1)(i) and (5), 300.30(b)(4). However, the non-Federal account or Levin account is permitted to transfer its share of allocable expenditures or disbursements for FEA to the Federal or separate allocation account pursuant to 11 CFR §300.33.

Note, these transfers for allocable Federal Election Activity must not exceed the Levin share of the allocable expenses and must be made within a 70-day time period: no more than 10 days before and no more than 60 days after the payments to the vendors are made from the Federal or allocation account. Exception: transfers may be made more than 10 days if advance payment is required by the vendor(s) and such payment is based on a reasonable estimate of the activity's final costs as determined by the committee and the vendor(s) involved. 11 CFR §300.33(d)(2)

Please clarify the procedures you are currently using to pay for allocable FEA expenses. The Commission recommends that you take steps to correct any non-compliance with the regulations. Also, your committee should establish procedures to ensure future compliance with the allocation regulations for FEA.

Although the Commission may take further legal action regarding this prohibited activity, your prompt action will be taken into consideration.

-In a miscellaneous electronic submission filed on April 22, 2005, you state: "A separate checking account was opened for Levin funds. When a vendor was paid, a check was written from the Levin account for its portion and a separate check was written from the federal account for its portion. To reflect these disbursements, the Levin portion is being reported on Line 5 as Other Disbursements on the Levin report. The federal portion is being reported as an operating expenditure with detailed descriptions in the purpose field." However, the H6 memo schedules have \$19,831.95 as the Federal share while the apparent corresponding disbursements on Schedule B for Line 21(b) totals \$24,125.07. The H6 memo schedules have \$50,996.45 as the Levin share while the apparent corresponding disbursements on Schedule L-B for Line 5 totals \$31,038.43. Please amend your report to clarify these discrepancies.

Furthermore, Schedule H5 should not disclose that the Federal account received a transfer of Levin funds for this activity, if the entirety of the Levin share of allocable FEA was paid directly from the Levin account, as you indicated in the miscellaneous electronic submission. Please clarify whether any Levin funds were actually transferred to the Federal account for this activity and amend your report to clarify this discrepancy, if appropriate.

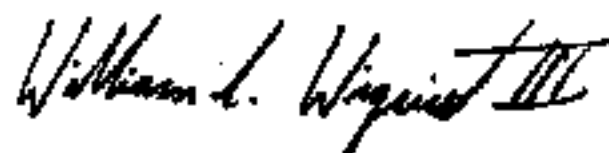
-Schedule B supporting Line 21(b) of your report discloses a payment(s) for "Fundraising consultant-gen cam shared Le" and "Fundraising event-Gen.Camp. Shared Exp" which appears to be disclosed on the wrong line of the Detailed Summary Page. Please be advised that 11 CFR §100.25 defines Generic campaign activity as a public communication that promotes or opposes a political party and does not promote or oppose a clearly identified Federal candidate or non-Federal candidate. Please amend your report to properly disclose this activity on Line 30(b) or provide clarification regarding this activity.

-Schedule B supporting Line 21(b) of your report discloses a payment(s) for "Federal share-GOTV Levin Shared Expense" and "Federal share-GOTV Levin Shared Expense" which appears to be disclosed on the wrong line of the Detailed Summary Page. Please be advised that Get-out-the-vote activity conducted in connection with an election in which one or more candidates for Federal office appear on the ballot is considered to be Federal Election Activity. 11 CFR §100.24 Please amend your report to properly disclose this activity on Line 30(b) or provide clarification regarding this activity.

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1394.

Sincerely,



William S. Wiquist  
Campaign Finance Analyst  
Reports Analysis Division

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